

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 04-12699-RWZ**

**PETITION OF K & R FISHING  
ENTERPRISES, INC., FOR  
EXONERATION FROM OR  
LIMITATION OF LIABILITY,  
CIVIL AND MARITIME**

**CLAIM OF LUCRECIA MORENO SMITH, MOTHER AND NEXT FRIEND TO  
ERICK I. GUILLEN MORENO, IN RESPONSE TO THE DEFENDANT, K&R  
FISHING ENTERPRISE, INC.'S PETITION FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY**

Now comes the respondent, Lucrecia Moreno Smith, mother and next friend to Erick I. Guillen Moreno and asserts a claim in the above-captioned matter against K & R Fishing Enterprises, Inc. pursuant to and in accordance with Federal Rules of Civil Procedure, Supplemental Rule F(5).

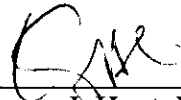
More specifically, the respondent, Lucrecia Moreno Smith, mother and next friend to Erick I. Guillen Moreno, asserts the following:

1. The defendant/petitioner, K & R Fishing Enterprises, inc. was, at all material times hereto, the owner of the F/V NORTHERN EDGE.
2. The defendant/petitioner, K & R Fishing Enterprises Inc. was, at all material times hereto, the employer of the respondent's decedent, Erick I. Guillen Moreno.
3. On or about December 20, 2004, the respondent's decedent, Erick I. Guillen Moreno, while in the course of his employment, was aboard the F/V NORTHERN EDGE. During and in the course of his employment, with the Petitioner, K & R Fishing Enterprises, Inc., the F/V NORTHERN EDGE sunk and the respondent's decedent was lost at sea and caused to die.
4. On or about December 20, 2004, the respondent's decedent was 25 years old. He was earning approximately \$60,000 per year. He was the son of the respondent, Lucrecia Moreno Smith. The respondent asserts a claim for loss of economic support and conscious pain and suffering on behalf of the decedent.
5. The respondent alleges that the petitioner, K & R Fishing Enterprises, Inc. as the owner of the F/V NORTHERN EDGE, and, as the employer of the decedent, was negligent and breached certain warranties in allowing the F/V NORTHERN EDGE to sink. The respondent further alleges that the petitioner, K & R Fishing

Enterprises, Inc., allowed the F/V NORTHERN EDGE to go out to sea, with improper rigging, instability, and other dangerous, defective and unseaworthy conditions. Additionally, the petitioner failed to provide safety drills for proper evacuation of the vessel in case of an emergency. As a result of the petitioner's negligence, the respondent was injured and the respondent's decedent was caused to die.

WHEREFORE, the respondent, Lucrecia Moreno Smith, mother and next friend to Erick I. Guillen Moreno, hereby asserts a claim for personal injuries and wrongful death in the above-captioned matter against the Petitioner, K & R Fishing Enterprises, Inc.

The Respondent,  
Lucrecia Moreno Smith, mother and next  
friend to Erick I. Guillen Moreno  
By her attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
by mail - here on 3-22-05

